



Legislative Bulletin.....April 20, 2007

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H.R. 363 — Sowing the Seeds Through Science and Engineering Research Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 3

Total Cost of Discretionary Authorizations: \$1.25 billion over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

**H.R. 363 — Sowing the Seeds Through Science and Engineering
Research Act (*Gordon, D-TN*)**

Order of Business: The bill is scheduled for consideration on Friday, April 20, 2007, subject to a structured rule (H.Res. 318), waiving all points of order against the bill except those regarding PAYGO and earmarks, providing for one motion to recommit with instructions, makes three amendments in order (summarized below), and allows the Chair to postpone consideration of the legislation at any time during its consideration.

Summary: H.R. 363 would create several new federal programs to provide funding for basic science and engineering research. The specific provisions of the bill are summarized below.

- Requires the National Science Foundation (NSF) to **create a new grant program** to provide funding to scientists and engineers “at the early stage of their careers at institutions of higher education” and other nonprofit entities to conduct research in fields relevant to the mission of the NSF. According to the bill, “the existing Faculty Early Career Development program may be designated as the mechanism for awarding such grants.” These five-year, competitive grants would be at least \$80,000 annually—at least \$400,000 over five years. Recipients of the awards should be employed in a tenure-track position as an assistant professor or an equivalent title. Authorizes for each of FY 2008 through FY 2012, at least 3.5 percent of funds appropriated to the NSF for research and related for this new program.
- Requires the Department of Energy (DoE) to **create a new federal grant program** that would provide assistance to the same individuals as provided for in the NSF program. These grants would also be at least \$80,000 annually—at least \$400,000 over five years. H.R. 363 would authorize \$125 million over five years for this new program.
- Requires the Office of Science at DoE to report to Congress on efforts to recruit and retain early career science and engineering researchers at DoE national laboratories.
- Requires NSF to allocate, for FY 2008 through FY 2012, at least 1.5 percent of funds appropriated for research and related activities, to the Integrative Graduate Education and Research Traineeship program.
- Requires the President of the United States to “periodically” present a Presidential Innovation Award to individuals who develop one or more unique scientific or engineering ideas in the national interest at the time the innovation occurs. Recipients must be either a U.S. citizen or an alien lawfully admitted to the U.S. for permanent residence who has met certain requirements.
- Requires the Office of Science and Technology Policy to create a National Coordination Office for Research infrastructure, and outlines the duties of the new office.
- Requires the National Institute of Standards and Technology (NIST) to submit a report to Congress on efforts to recruit and retain young scientists and engineers at NIST laboratories.
- Expresses the following sense of Congress regarding NASA funding levels purpose:
 - “a balanced science program as authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155) contributes significantly to innovation in and the economic competitiveness of the United States; and
 - “a robust National Aeronautics and Space Administration, funded at the levels authorized under sections 202 and 203 of that Act, would offer a balance among science, aeronautics, exploration, and human space flight programs, all of which can attract and employ scientists, engineers, and technicians across a broad range of fields in science, technology, mathematics, and engineering.”

The NASA authorized funding levels mentioned above are as follows:

FY 2007- \$17.9 billion; and
FY 2008- \$18.7 billion.
However, NASA's request for FY 2007 was \$16.8 billion.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 363 would create three new federal programs, and CBO estimates implementing the bill would authorize \$1.25 billion over five years.

Committee Action: H.R. 363 was introduced on January 10, 2007, and referred to the House Committee on Science and Technology, which held a mark-up and reported the bill by voice vote, as amended, on March 8, 2007.

Cost to Taxpayers: According to CBO, enacting H.R. 363 would authorize \$1.25 billion over five years. Although the bill suggests that two of the three new programs should be funded through existing appropriations to the agencies, CBO explains their assumption that NSF and DoE will use all current funding to fund existing programs, and that creating a new function (program) for the agencies will result in an increase in funding to pay for the new programs.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates three new programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Earmark Compliance: According to Committee Report [110-39](#), the "H.R. 363 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI."

Administrative Position: According to the Statement of Administrative Policy (SAP), the Administration supports passage of H.R. 363 with certain suggested changes including eliminating funding allocation floors for the new programs, striking the provisions creating the National Coordination Office for Research Infrastructure, and removing the minimum award level for individual grants. The SAP states that, "the provision establishing a National Coordination Office for Research Infrastructure within the Executive Office of President is unnecessary and redundant with the statutory mission of the Office of Science and Technology Policy (OSTP)."

Amendments Made in Order by the Rule:

Hall (R-TX). Inserts into the authorization of funds for the National Science Foundation for Research and Related Activities for a new program, that funding should be appropriated "to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year." (Debatable for 20 minutes)

Tauscher (D-CA). Inserts into the requirements for awarding grant in the new NSF research grant program, that in awarding grants under this new program, the Director is to

“give special consideration to eligible early-career researchers who have followed alternative career paths such as working part-time or in nonacademic settings, or who have taken a significant career break or other leave of absence.” In addition, the amendment would insert the following as a new purpose for the Presidential Innovation Award established in the underlying bill, to “show the potential of such innovation to substantively enhance the economic competitiveness of the United States through development of commercializable intellectual property.”

Gillibrand (D-NY). **Creates a new program** at NSF, the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics (US-STEM) program, for awarding scholarships to undergraduate scholars in science, technology, engineering, and mathematics. **The amendment would authorize \$280.9 million over five years for this new program. Some conservatives may be concerned that this new program would be duplicative of 207 current federal education STEM programs.** An October 2005 Government Accountability Office (GAO) study reported that in FY04, 13 federal agencies reported **spending roughly \$2.8 billion on 207 different education programs** directly related to science, technology, engineering and mathematics (STEM).

Constitutional Authority: The Science and Technology Committee, in Committee Report 110-39 cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” (*emphasis added*).

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